HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.15144 of 2007

Date: 31-07-2007.

Between :

Manam Sivakumar.

.....Petitioner

And

Andhra Pradesh Southern Power Distribution Company Limited,
Vijayawada, rep. by its Superintending Engineer & another.

.....Respondents.

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WRIT PETITION No.15144 of 2007

ORDER :

The petitioner obtained power supply connection to borewell dug in Revenue Survey Nos.7-1A and 7-1B of Balive Revenue village of Krishna District. The power supply was disconnected by the 2nd respondent on 09.07.2007, allegedly, on the instructions issued from the 1st respondent to the effect that the petitioner encroached into the forest land. The petitioner challenges the action of the respondents.

Heard learned counsel for the petitioner and learned Standing Counsel for 1st and 2nd respondents.

It is not in dispute that the petitioner was extended power supply through Service Connection Nos.137 and 1159, after entering into an agreement with the 1st respondent, and after being satisfied with his eligibility. It is stated that in the recent past, the District Collector

appointed a Committee comprising of experts and during the course of verification, it emerged that the petitioner and several others encroached into vast extents of reserve forest. Obviously, with a view to remove encroachments from the forest land, the authorities of the Revenue and Forest Departments have persuaded the respondents, to disconnect the power supply.

Even assuming that the petitioner encroached the forest land, the respondents cannot straightaway disconnect the power supply. Clause 17.2 of General Terms and Conditions of Supply mandate that whenever the respondents intend to disconnect a power supply on the ground that necessary permission was not obtained by the consumer, a show cause notice is to be issued. Admittedly, such a notice was not issued in the present case.

On this short ground, the writ petition is allowed and the respondents are directed to restore power supply to the petitioner. It is, however, open to them to proceed in the matter after complying with the requirements under Clause 17.2 of General Terms and Conditions of Supply.

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L. NARASIMHA REDDY, J

31st July 2007

N.B:
Furnish C.C. by tomorrow.
(b/o)

ajr